
**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

Simon Campbell and Pennsylvanians :
for Union Reform, : No.: 18-cv-892

Plaintiffs :

v. :

Pennsylvania School Boards :
Association, Michael Faccinnetto, :
David Hutchinson, Otto W. Voit, III, :
Kathy Swope, Lawrence Feinberg, Eric :
Wolfgang, Daniel O’Keefe, Darryl :
Schafer, Thomas Kerek, and Lynn :
Foltz,

Defendants

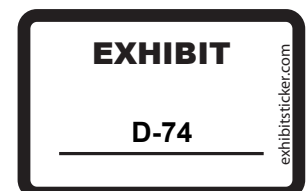
DECLARATION OF MICHAEL FACCINETTO

Pursuant to 28 U.S.C. §1746, Michael Faccinnetto states as follows:

1. I, Michael Faccinnetto, am an adult individual and am the President of the Pennsylvania School Boards Association (“PSBA”). My term as President began on January 1, 2018 and will end on December 31, 2018.

2. The positions that I have held with the PSBA are as follows:

a. 2018 President;



- b. 2017 President Elect / Acting President;
- c. 2016 Vice President;
- d. 2015 Eastern At-Large Representative;
- e. Region 8 Director (July 2014-December 31, 2014);
- f. Assistant Regional Director (2014).

3. My resume is marked as Exhibit D-66.

4. I am the President of the Bethlehem Area School District (“the School District”) and have been the President since 2001. I have been on the Board of School Directors (“School Board”) of the Bethlehem Area School District since 2009. I have had held the following offices for the School District:

- a. Human Resources Chairperson (December 2010-11); and
- b. President of the Board (December 2011 – present)

5. My decision to become active in the PSBA was my decision alone, was totally voluntary, and is totally outside of and unrelated to my duties or responsibilities for the School District. My decisions to seek the different positions that I have held with the PSBA was my decision alone. I did not ask for permission from the School Board and was not given permission by the School Board. It is further my understanding that the School Board has no power or authority to interfere with my decisions as to how to associate with and work for the PSBA.

6. Although my eligibility to be a member of the PSBA is based on my status as a member of a School District that has entity membership in PSBA, my work for the PSBA is in my individual capacity as a private citizen. It has never been my belief that when acting as a member of the PSBA Governing Board that I was somehow working in my capacity as a School Board member. When acting on the PSBA Board, I have absolutely no power or authority to do anything for the School District.

7. It is my understanding that when serving on the PSBA Governing Board that I have fiduciary duties to the PSBA only and that I am not representing the School District on the board.

8. I have received training from PSBA General Counsel, Michael Levin (“Levin”) that I owe my duties to the PSBA when serving on the PSBA Governing Board and that I do not represent my School District. I have always acted in accordance with my understanding and Levin’s training. From my experience on the PSBA Governing Board, all PSBA Governing Board members appear to be acting in accordance with the best interests of PSBA without regard to their home school districts. Indeed, except for membership issues, such as approving proposed bylaws changes or dues, the PSBA Governing Board does not deal with issues binding on School Districts.

9. The School District has never taken any action to control my work for the PSBA or to ratify anything that I have done as a member of the PSBA Governing Board. It is further my understanding that the School District has no power or authority to control my work for the PSBA or to ratify anything that I have done as a member of the PSBA Governing Board.

10. I am not compensated for my service to the PSBA, but I am reimbursed travel expenses for my travel associated with my work for the PSBA. The reimbursement is by the PSBA and not the School District. The School District has never paid any of my costs and expenses when I have acted for and on behalf of the PSBA.

11. My service to the PSBA is on my time and not on the time of the School District.

12. I am not covered by the Public School Employee Retirement Service.

13. The School District does not sponsor or otherwise endorse my work for the PSBA.

14. I have never sought or received approval from the School District for the filing of PSBA's case against Simon Campbell ("Campbell") and Pennsylvanians for Union Reform ("PFUR"). I have never sought or received approval from the School District for the continued prosecution of PSBA's case

against Campbell and PFUR. The School District has not done anything to try to be involved in any way with PSBA's case against Campbell and PFUR.

15. I am familiar with PSBA's Bylaws. There is nothing in the Bylaws that gives the School District any rights, power or authority with regard to PSBA's lawsuit against Campbell and PFUR. There is nothing in the Bylaws that requires me or PSBA to comply with the School District's position or views with regard to PSBA's case against Campbell and PFUR.

16. While on the PSBA Governing Board, we have never taken action to adopt or approve: (a) any rules affecting the operations or rights of Public School Entities; (b) any rules affecting the students; (c) any rules affecting school facilities; or (d) any rules governing any other aspect of Public School Entities and their work.

17. In May 2018, the Solicitor for Bethlehem School District transmitted to the District emails in which counsel for Plaintiffs in this case threatened to sue the District regarding the lawsuit that PSBA filed against Plaintiffs in state court.

I, Michael Faccinetto, do hereby declare under the penalty of perjury that the above facts set forth in this Declaration are true and correct to the best of my knowledge and belief.

/s/Michael Faccinetto
Michael Faccinetto

Dated: June 15, 2018